

KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff
Admitted Pro Hac Vice

JOSHUA H. ABRAMSON, ESQ.
PORZIO, BROMBERG & NEWMAN, P.C.
156 W. 56th St.
New York, NY 10019-3800
(646) 348-6720
Local Counsel for Plaintiff

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CANDACE SCHELBERG PEZZUTI,)	2:07-cv-3602-CS-GAY
)	
)	
Plaintiff,)	
vs.)	
)	
CHRISTOPHER J. SCHELBERG,)	
)	
Defendant.)	
_____)	

STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER

Plaintiff, above named, by and through her undersigned counsel, KIRK T. KENNEDY, ESQ., and Defendant, above named, by and through his undersigned counsel, MARK J. KURZMANN, ESQ., hereby submit this Stipulated Discovery Plan and Scheduling Order.

DESCRIPTION OF ACTION: This is a diversity action wherein the Plaintiff has alleged various state causes of action against the Defendant and damages allegedly

resulting from the alleged actions. Defendant denies all claims for relief.

Proposed Discovery Schedule:

1. Estimated time required for discovery: Discovery will take 180 days from September 3, 2008, the date of the Court's order lifting the stay on discovery. The discovery deadline shall be Monday, March 2, 2009.
2. Amendment of Pleadings and Addition of Parties: Unless otherwise ordered by the Court, the date for filing motions to amend the pleadings or to add parties shall not be later than 60 days prior to the discovery cut-off date, which in this matter is not later than Thursday, January 1, 2009.
3. The disclosure of experts and expert reports shall occur on or before Thursday, January 1, 2009, which is 60 days before the discovery cut-off date; and the disclosure of rebuttal experts and their reports shall occur on or before Friday, January 30, 2009, which is 30 days before the discovery cut-off date. The parties advise that no experts are anticipated at this time.
4. Interim Status Report: On or before Tuesday, December 2, 2008, the parties shall file an interim status report, stating the time required for trial, three alternative dates of trial, and whether or not trial will be proceeding or affected by substantive motions.
5. The parties shall have until Friday, May 1, 2009, to file dispositive, or other, motions.
6. The pretrial order shall be filed by Monday, June 1, 2009, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This deadline is suspended if dispositive motions are timely filed and, in such case, the deadline for filing the pretrial order shall be thirty (30) days after decision on said dispositive

motions, or by further order of the court. The disclosures required by FRCP Rule 26 (a)(3) shall be made in the joint pretrial order.

7. Stipulations regarding limitations or conditions or additional discovery: None. Parties shall engage in all permissible discovery as allowed under FRCP and local rules.

8. Extensions of Modifications of the Discovery Plan and Scheduling Order:

Applications to extend any date set by the discovery plan/scheduling order shall be received by the Court on or within 20 days of the discovery deadline, or within 20 days before the expiration of any extension thereof that may have been approved by the Court. The motion or stipulation shall include:

- a. A statement specifying the discovery completed to date;
- b. A specific description of the discovery which remains to be completed;
- c. The reasons why remaining discovery was not completed within the time limits of the existing discovery deadline; and
- d. A proposed schedule for the completion of remaining discovery.

9. Settlement: The undersigned attorneys affirm that they have discussed possible settlement of this action as well as the use of extrajudicial procedures or alternative

methods of dispute resolution to resolve this case.

_____/S/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Attorney for Plaintiff

/S/Mark J. Kurzmann
MARK J. KURZMANN, ESQ.
Attorney for Defendant

Dated: 9/15/08

Dated: 9/15/08

ORDER

IT IS SO ORDERED,

Dated this ____ day of September, 2008.

UNITED STATES MAGISTRATE JUDGE